IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.262 OF 2006

WITH

CIVIL APPLICATION NO.263 OF 2006

WITH

CIVIL APPLICATION NO.264 OF 2006

IN

LETTERS PATENT APPEAL NO.50 OF 2002

IN

FIRST APPEAL NO.1053 OF 1997.

Rustom Ardeshir Phirozemand]
since deceased through his LRs.]
Ms.Shirin Naemi @ Shirin] Applicants/
Rustom Phirozemand and others] Appellants.

versus

Miss Roshan Boman Bozargi & ors.] Respondents.

Mr.Y.S.Bhate for the applicants/appellants.

Mr.A.M.Rajabally for Respondent No.1.

CORAM : D.G.DESHPANDE

SMT.R.S.DALVI, JJ.

DATED : NOVEMBER 30, 2006.

P.C.

1. Heard the learned advocates for the applicants/appellants and learned advocate for Respondent No.1.

2. So far as Civil Application No.262 of 2006 is concerned, it is for deleting the name of Respondent No.3 in the aforesaid L.P.A. and the Civil Application No.52 of 2002. The other side has no objection. Therefore, the name of Respondent No.3 be deleted. This Civil Application No.262 of 2006 is allowed and disposed off.

3. So far as Civil Application No.264 of 2006 is concerned, it is for bringing the legal heirs of the original appellant. Applicant No.2 is present in Court. The other side has no objection to allow this application. Hence this Civil Application No.264 of 2006 is allowed and disposed of.

3. So far as Civil Application No.263 of

2006 is concerned, it is for bringing the legal heirs of the original applicant No.3 in Civil Application No.264 of 2006 on record. The other side has no objection. Hence this Civil Application No.263 of 2006 is allowed and disposed of.

4. Advocate for the applicants/appellants is directed to do all the amendments just now pursuant to this order.

5. The learned advocate for the applicants/appellants Mr.Bhate states that he has instructions to withdraw this L.P.A.. He makes a statement that on 7th December 2006 they will vacate the suit premises and hand over the possession to Respondent No.1. The advocate for the appellants will hand over the keys of the suit premises to the advocate for the Respondent No.1 on 7th December 2006 between 10.00 to 12.00 in the morning. The advocate for the appellants also states that whatever is due pursuant to the order of this Court for payment of Rs.5,000/- per month shall be paid and cleared on the same day by Demand Draft in the name of Respondent No.1. We accept all the statements and undertakings

given by the learned advocate for the appellants. The L.P.A. is disposed off as withdrawn. The advocate for the applicants states that there is Civil Application for stay, being Civil Application No.52 of 2002, but it is not on board. The Civil Application No.52 of 2002 is taken on board. It does not survive in view of the withdrawal of the LPA. Hence it is disposed off accordingly.

[D.G.DESHPANDE,J]

[SMT.R.S.DALVI, J]